

PART 9.2 SCHEME OF DELEGATION FOR OFFICERS Appendix 2

1. Definition

- 1.1 In this scheme, 'Chief Officer' means the Chief Executive, Corporate Director and Head of Service.
- 1.2 Any reference to an Act in this scheme includes reference to any amendment thereto, or re-enactment thereof, of any order or secondary legislation made under it.

2. General Provisions

- 2.1 Under this scheme, each Chief Officer is authorised to act on behalf of the Council in relation to any matter within the service areas for which they are responsible. Any exercise of delegated powers shall comply with, and be subject to :-
 - 2.1.1 Any statutory provisions
 - 2.1.2 The Councils overall policy and budget framework
 - 2.1.3 Protocol on Member/Officer Relations, the Officers Code of Conduct and where appropriate in liaison with local members.
 - 2.1.4 The Constitution and relevant Rule of Procedure
 - 2.1.5 Financial Regulations
 - 2.1.6 Contract Procedure Rules
 - 2.1.7 The duty of achieving Best Value and Continuous Improvement
 - 2.1.8 Agreed arrangements for recording the decisions.
 - 2.1.9 The taking of and compliance with any legal or other professional advice.
- 2.2 Where the exercise of delegated powers is likely to affect more than one service, the Chief Officer must consult with any other Chief Officer whose service may be so affected.
- 2.3 Without prejudice to his/her delegated powers or to that of the relevant Committee, and in appropriate circumstances only, each Chief Officer should, when exercising his/her powers : -
 - 2.3.1 keep the Cabinet fully informed, in particular members of the Cabinet who are the Portfolio Holders for the service area in question and also have due regard to any comments made in the relevant scrutiny committee regarding the matter in question.
 - 2.3.2 Ensure, where appropriate, that he/she consults with/or informs the local member(s) in advance;
 - 2.3.3 ensure that he/she consults with/or informs, where appropriate, the Chief Executive.

Before exercising a delegated power, each Chief Officer must consider whether the decision is one that should be referred to the appropriate Committee for input or referred to the Cabinet, or appropriate Committee or sub-Committee.

- 2.4 In deciding whether to refer a matter to the Cabinet, Committee or sub-Committee the Chief Officer shall have regard to the following considerations:-
 - 2.4.1 day to day decisions on technical or professional issues will normally be taken without reference to Members.
 - 2.4.2 the views of the local member, Portfolio Holder and Chief Executive must be taken into account, where appropriate.
 - 2.4.3 if a decision is likely to have a significant impact on the Councils' profile, is likely to attract unfavourable comment in the news media, or may have substantial financial implications there will be a presumption in favour of referring it to members.
- 2.5 Functions are not delegated where:
 - 2.5.1 they are reserved by law or by this Constitution to the Council
 - 2.5.2 they may not by law be delegated to an Officer
 - 2.5.3 they are reserved to a Cabinet Member or Members.
- 2.6 The powers listed in Part 3 Table 2 of this Constitution are delegated to the Chief Officer named in the third column of that table. Where no chief officer is named, the power is not delegated to Officers but is retained by the Committee named in the second column.
- 2.7 The Chief Executive and Directors are authorised, in the absence of or inability to act of the Chief Officers reporting to them, to exercise all powers delegated from time to time to those Chief Officers except where specifically prevented from so acting by limitation of statute, professional qualification or where other arrangements have been made in the relevant delegation.
- 2.8 The Chief Executive and Directors are authorised to take or authorise in consultation with the relevant Committee or Sub-Committee Chair or Vice-Chair, or in their absence the Chair or Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the relevant Committee or Sub-Committee which they consider to be of such urgency that it cannot await a meeting of that Committee or Sub-Committee provided that such action shall be reported for information to the next available meeting of the relevant Committee or Sub-Committee.
- 2.9 The Chief Executive and Directors are authorised to take or authorise in consultation with the Chair and Vice-Chair of the Cabinet, any action on any matter within the Terms of Reference of the Cabinet which they consider to be of such urgency that it cannot await a meeting of the Cabinet provided that such action shall be reported for information to the next available meeting of the Cabinet.

2.10 The relevant Director and each Head of Service is responsible for ensuring compliance with the Data Protection Act 1998, Freedom of Information Act 2000, Environmental Information Regulations 2004, Human Rights Act 1998, the Health and Safety at Work etc. Act 1974 and the Safeguarding of Vulnerable Groups Act 2006 in so far as his/her service is concerned, including compliance with any decision of the Councils' Freedom of Information Exemptions Panel.

3. General Delegations

- 3.1 Each Chief Officer (having consulted with the relevant Portfolio Holder where appropriate) is authorised to take any action necessary to protect or promote the Councils interests, subject to the restrictions in 2 above.
- 3.2 Without prejudice to the generality of the provisions in 2 above, this includes exercising his/her professional judgment to take such decisions as are necessary to implement the Councils policies and to promote the management and delivery of the services which are his/her responsibility.
- 3.3 Any powers granted to a Chief Officer may be discharged either in his/her absence by such Officers as may be authorised by him/her in accordance with any general or specific instructions given. In the absence of the Chief Officer, any Officer appointed by him/her to deputise on his/her behalf may also authorise the exercise of delegated powers, subject to any statutory provision preventing any deputy from acting. For the avoidance of doubt such authorizations may not be granted to persons who are not Officers of the Council unless there is an arrangement facilitating joint working with the relevant person's employing authority.
- 3.4 Authority to serve requisitions for information under the Local Government (Miscellaneous Provisions) Act 1976 or other enabling legislation.
- 3.5 Each Chief Officer is authorised to manage assets, vehicles and equipment belonging to the Service for which he/she has responsibility.
- 3.6 Each Chief Officer is authorised to act on financial matters, in accordance with the Financial Regulations and Contract Procedure Rules.
- 3.7 In consultation with Head of Strategic Human Resources where appropriate, each Chief Officer is authorised to act in relation to staffing matters in accordance with any relevant HR Policies and to appoint staff below Chief Officer level.
- 3.8 Each Chief Officer is entitled to submit planning applications in pursuance of approved schemes (but not the determination of the application)
- 3.9 To approve fees and charges, (and subject to any limit on such charge or fee set by statute) including any subsidies and concessions, in accordance with the policy adopted by Cabinet on the setting of Fees and Charges. Decisions on these matters are subject to the agreement of the Head of Finance and Assets, and subject to the provisions of the Local Government Act 2003 in

respect of lawful charging and trading provisions. (this does not include fees and charges that are set by the Planning and Licensing Committees or Housing Rents which are set by reference to Housing Rents Setting Policy or subsequent amendment)

- 3.10 All Chief Officers may approve the submission of bids for grant funding and to accept any grant offered, subject to any funding requirement from the Council being contained within existing budgets. Where such a funding requirement cannot be afforded from existing budgets, the consent of the Head of Finance and Assets must be obtained before a bid is made or a grant is accepted. Where appropriate, the advice of the Head of Legal and Democratic Services should be sought on the terms and conditions of acceptance or submission of a grant.
- 3.11 In accordance with any policy adopted by the Cabinet on grants, to determine grants to other bodies or individuals (including determining parameters or criteria for decisions by Officers on such grants

4. To The Chief Executive (Head of Paid Service)

- 4.1 Any decision, whether it is normally the responsibility of the Cabinet, Cabinet committee or individual Cabinet Member, where the decision has to be taken immediately in response to a major civil emergency as defined in the Major Emergency Management Plan.
- 4.2 Authorising Officers to undertake particular roles on behalf of the Council, where such authorisation is an executive function and has been delegated to the Head of Paid Service.
- 4.3 To represent the views of the Council in responding to consultations with the Council by any outside body.
- 4.4 As Returning Officer, to apply the annually agreed uplift in respect of election fees for local government purposes in consultation with colleagues in other authorities in North Wales.
- 4.5 Carrying out the following functions imposed on the Council by emergency planning regulations:-
- Civil Defence (General Local Authority Functions) Regulations 1993 - preparation, exercise and implementation of plans for civil defence purposes, including complying with directions from the designated Minister
 - Public Information for Radiation Emergencies Regulations 1992 - supplying information to the public in the event of a radiation emergency involving transport of radioactive substances
 - Pipelines Safety Regulations 1996 - preparation of and charges for a plan in respect of a major accident hazard pipeline

- Control of Major Accident Hazards Regulations 1999 - preparation, testing and charges for off-site emergency plan for major accident hazards

Radiation (Emergency Preparedness and Public Information) Regulations 2001 - preparation of, testing and charges for off-site emergency plan and supplying information to the public in the event of radiation emergencies involving premises.

4.6 To act on a day to day basis, as appropriate, as the Head of Paid Service and in the following areas: -

- Strategic Development and Leadership
- Management of the Council as a whole
- Performance Management of the Council as a whole
- Service Modernisation and Continuous Improvement
- Major Projects
- Communication with the Media
- Medium and Major Corporate Risks
- External Relationships

4.7 To act as an Authorised Officer for the purposes of the Regulation of Investigatory Powers Act 2000, in particular in respect of the acquisition of confidential private information within the meaning of this Act.

4.8 In consultation with the Leader of the Council, to give instructions for the flying of the relevant flag or flags on Council Offices on significant occasions either high in celebration or half mast as appropriate.

4.9 In the absence or inability of the Chief Executive to act he/she will designate a Corporate Director to exercise the above delegations and other functional responsibilities as he/she deems appropriate.

5. To the Head of Strategic Human Resources

6.1 To prepare and maintain a list of those posts which are considered to be politically restricted under the provisions of the Local Government and Housing Act 1989.

6. To the Head of Finance and Assets

6.1 To act as Chief Finance Officer under s.151 of the Local Government Act 1972 and any other statutory functions assigned to the s.151 Officer.

6.2 To be the Proper Officer for the purpose of s.114 Local Government and Finance Act 1988 and the power to appoint a deputy to act in their absence.

- 6.3 To undertake all duties assigned to the Head of Finance and Assets by Financial Regulations which relate to the provision of his/her service.
- 6.4 To be the proper Officer for the purposes of s.115 and 146 Local Government Act 1972.
- 6.5 The right to sign a certificate that contracts comply with the Local Government (Contracts) Act 1997 and that a lease or contract does not constitute credit arrangements.
- 6.6 To authorise the write off of bad debts up to the amounts noted in the Financial Procedure Rules.
- 6.7 Subject to a policy for such writing off having been established, to write to determine whether repayment of a grant may be waived, subject to the agreement of the Lead Member for Finance, where the amount of the repayment waived in an individual case exceeds 10k.
- 6.8 Nominate authorised officers under the Social Security Administration Act 1992 or subsequent amendment.
- 6.9 Nominate authorised officers under the Social Security Administration (Fraud) Act 1997.
- 6.10 Authorising Officers to appear on the Authority's behalf to conduct proceedings in the Magistrates Court under s.223 Local Government Act 1972.
- 6.11 Organising the Council's banking arrangements.
- 6.12 Authorising leasing arrangements.
- 6.13 Authorising and managing petty cash payments.
- 6.14 Authorising the issue of Credit/Purchase Cards.
- 6.15 Authorising the use of electronic financial systems to transfer money.
- 6.16 To institute and conduct civil proceedings for the recovery of monies owed to the Council in consultation with the Head of Legal and Democratic Services.
- 6.17 To act as the Councils' Money Laundering Officer for the purposes of the Money Laundering Regulations 2003.

6.18 To act on a day to day basis in the following areas: -

- Accountancy (including Revenue budgeting and final accounts and Capital budgeting and final accounts)
- Risk Management and Insurance
- Creditor Payments
- The Pension Scheme including the teachers pension scheme
- Treasury Management (including investments and borrowing for revenue and capital purposes and investment for funds for which the Council is custodian)
- Payroll (including car allowances, expenses, employee benefits, income tax, national insurance and all other deductions)
- Car Leasing/Purchase Scheme
- Tax matters including the Councils income tax and VAT.
- Council Mortgage Interest rate calculations
- Internal Audit
- Strategic Procurement

6.19 To act as the Proper Officer in respect of the Proceeds of Crime Act 2002 and any regulations made thereunder.

6.20 Determining the instalment dates for Council Tax and NNDR payments for financial years beginning in and after 2004.

6.21 To secure the safe custody of policies and to make claims under the Council's insurances.

6.22 To negotiate and settle rentals and other terms for short term licences, easements and wayleaves, including those required by statute upon terms agreed by statutory formula or otherwise, subject to appropriate consultation with Local Members.

6.23 To make home loss payments under the provisions of the Land Compensation Act 1973 (amount calculated by statutory formula related to rateable value)

6.24 To make disturbance payments under the provisions of the Land Compensation Act 1973.

6.25 In consultation with the Corporate Director Business Transformation and Regeneration, to negotiate the acquisition and/or disposal of land for all purposes, in conjunction with the Councils Asset Management Group and subject to the results thereof being reported to all Members for information, where appropriate.

6.26 To value all property assets of the Council

- 6.27 To value properties for mortgage or grant and for other approved purposes, including the property assets of elderly persons entering the care of Social Services, where their assets are taken into consideration.
- 6.28 To recommend and negotiate rents and rent reviews and appropriate terms for all managed property, including any agricultural estate land and buildings, but not any property falling within the purview of the Housing department.
- 6.29 To negotiate and agree lease agreements, including rent reviews leased by and to the Council, subject to reports to any Asset Management Group and to Members, where appropriate.
- 6.30 To take action upon reports concerning mortgage defaulters.
- 6.31 To exercise the following powers in respect of property matters in consultation with and on terms and conditions agreed by the Head of Legal and Democratic Services: -
- 6.31.1 Disposals of freehold interest in land up to £30k at market value, where there is no objection from local member(s) or the Lead Member
 - 6.31.2 To undertake all other disposals, following a decision by the Cabinet or the Lead Member in accordance with their delegated functions.
 - 6.31.3 Granting leases up to £50k a year at market value and renewal of leases not longer than the original lease. This delegation includes (but not limited to) all matters to do with agricultural estate leases and tenancies, and all other tenancies, wayleaves, easements, licences, change of user or assignments. This delegation includes powers to terminate tenancies and licences, and to sign tenancy agreements and licences, except:
 - a) granting tenancies for agricultural estate. Officers to conduct interviews and make recommendations to the Lead Member.
 - b) Notices to quit for tenants of agricultural estate, such decision to be taken by the Lead Member on advice from Officers.
 - 6.31.4 Acquisitions of land by lease up to £50k a year, if funding is available and there is no objection from the Lead Member.
 - 6.31.5 Purchase of land/easements for highway and drainage schemes and the making of stopping up orders, subject to a) the cost of the acquisitions being available within the capital funding scheme or b) in cases where the acquisition is in order to facilitate the disposal of land and property under 6.31.1, the cost being covered by the capital receipts being generated.
 - 6.31.6 The renewal of any lease or tenancy, subject to budget provision being available to continue to pay charges under the lease or tenancy.

6.31.7 To undertake all other acquisitions and taking of leases or tenancies, following a decision by Cabinet or the Lead Member in accordance with their delegated functions.

6.31.8 Miscellaneous powers in respect of property:

- The Service of Statutory Notices
- Appropriation of property between services.
- Lodging and settlement of rating appeals, including representation in the Valuation Tribunal
- Other property management and emergency matters including granting consent for tenants improvements, reallocation and apportionment of milk quota and settlement of end of tenancy and dilapidation claims.

6.31.9 To determine the policy for uniform grants and the determination of applications.

7. To the Head of Legal and Democratic Services

7.1 To act as the Monitoring Officer under the Local Government and Housing Act 1989.

7.2 To authenticate Documents for Legal Proceedings.*

7.3 To institute and conduct all civil, criminal and administrative proceedings, (including settlement of claims out of Court) and tribunal hearings of a quasi-judicial nature (other than matters specifically delegated to another Officer).*

7.4 To secure the safe custody of policies and to make claims under the Council's insurances.*

7.5 To maintain records, including Minutes and Conveyances, Leases, Mortgages and other securities.*

7.6 To authorise the settlement of all claims for compensation whether from tenants, Council employees or other members of the public where such claims are the result of damage caused by Council or allied services and are not covered by insurance.*

7.7 To affix the seal and execute documents on behalf of the Council. *

7.8 To serve all Notices under the Town and Country Planning Acts not otherwise specifically delegated.*

7.9 To issue warrants to the High Sheriff to deliver possession of properties included in confirmed Compulsory Purchase Orders, where the Council have served notice of entry but where the occupiers have refused to grant possession to the Council.*

- 7.10 To take all appropriate legal action to secure the eviction of ‘squatters’ from Council property that is to say any persons occupying such property without the Council’s authority and in contravention of its policies governing the letting of the same, in consultation with the Head of Housing and the Head of Adult Services.*
- 7.11 To enter into Agreements with developers for the adoption of amenity areas on private housing estates.*
- 7.12 To apply to the Court for a Prohibition Order under the provisions of the Food Safety Act, 1990, in consultation with the Head of Planning, Regeneration and Regulatory Services.*
- 7.13 To issue and serve the following Notices under the provisions of the Housing Act, 1985, namely:-*
- Notices requiring tenants to complete transactions (Sections 140 and 141).
- 7.14 To undertake and conclude all the necessary legal formalities in connection with the disposal of Council dwellings and to recover possession of Council dwellings in appropriate cases, pursuant to the provisions of the Housing Act, 1985.*
- 7.15 To serve all appropriate notices in connection with the Rents to Mortgage Scheme under the provisions of the Leasehold Reform, Housing and Urban Development Act, 1993. *
- 7.16 To exercise the powers of direction available to the Council under Section 77 of the Criminal Justice and Public Order Act, 1994, and also to make complaints to the Magistrates’ Court on behalf of the Authority under Section 78 of the Act. *
- 7.17 To vary the fees payable under Part VA of the Local Government Act 1972 (Access to Information) *
- 7.18 To sign contracts for the acquisition and disposal of interests in land in accordance with the Council’s policy. *
- 7.19 To sign and serve requisitions for information under Section 16 of The Local Government (Miscellaneous Provisions) Act, 1976. *
- 7.20 To negotiate, conclude and execute on behalf of the Council any document or agreement required to give effect to any decision taken by the Council, Cabinet, other Committee, Sub-Committee or Officer whether or not specifically so authorised by such decision. *

- 7.21 To exercise the Council's functions relating to the approval of premises under the Marriage Act 1994 and Marriages (Approved Premises) Regulations 1995 and the registration of civil partnerships under the Civil Partnerships Act 2004 in consultation with the Local Member)
- 7.22 To amend the Councils Constitution document to accord with decisions of the Council, Cabinet or Committees.
- 7.23 To authorise a Council Officer to appear on behalf of the Council in proceedings under section 60 of the County Courts Act 1984 and in the Magistrates Court under s.223 of the Local Government Act 1972.
- 7.24 To act as the Proper Officer for the purposes of s100B Local Government Act 1972 i.e. to exclude access by the public to reports in respect of which, in his/her opinion, the meeting is not likely to be open to the public.
- 7.25 In consultation with the Head of Customer Services, the Head of Libraries and Community Development and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.
- 7.26 To act as an Authorising Officer, in particular with regard to the surveillance of Council Staff and act as the Councils' Senior Responsible Officer under the Regulation of Investigatory Powers Act 2000.
- 7.27 To act as the Authority's 'qualified person' under s. 36 of the Freedom of Information Act 2000.
- 7.28 To act as the Senior Responsible Officer regarding security breaches holding the central record of all security breaches whether electronic or manual records.
- 7.29 To act on a day to day basis in the following areas:-
- Legal Services
 - Elections/Electoral Registration
 - Member Support and Services
 - Committee and Democratic Services
 - Translation

* in the absence or inability of the Head of Legal and Democratic Services to act, the Deputy Monitoring Officer or in their absence a Principal Solicitor is authorised to exercise these functions.

8. To the Head of Planning, Regeneration and Regulatory Services

The following delegations relate to public protection and regulatory functions:-

To have the power:-

- 8.1. To authorise in writing all officers of the Planning, Regeneration and Regulatory Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Planning, Regeneration and Regulatory Services, subject to such officers being suitably qualified for the discharge of those duties and functions.
- 8.2 To undertake inspections (including the inspection of a licence or operator records), authentications, investigations, interviews, sampling, testing (including the testing of vehicles), prohibitions, seizures (including the removal of plates upon expiry or revocation), detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Planning, Regeneration and Regulatory Services department under the legislation applicable to it and set out below, together with any regulations made thereunder, and any amendments or additions made to it, and to exercise all other relevant powers, including powers of entry provided under such legislation.

Legislation

Activity Centres (Young Persons Safety) Act 1995
Agriculture Produce (Grading and Marking) Act, 1928
Agriculture (Miscellaneous Provisions) Act, 1968, 1972 and 1976
Agriculture Act, 1970
Animal Boarding Establishments Act, 1963
Animal Health and Welfare Act, 1984
Animal Health Act, 1981
Animal Health Act 1998
Animal Health Act 2002
Animal Welfare Act 2006
Anti Social Behaviour Act 2003
Anti-Terrorism, Crime and Security Act 2001
Protection of Animals Act 2000
Banking Act, 1987
Breeding of Dogs Act, 1973 and 1991
Building Act, 1984
Business Names Act, 1985
Cancer Act, 1939
Caravan Sites and Control of Development Act, 1960
Celluloid and Cinematographic Film Act, 1922
Children and Young Persons (Protection from Tobacco) Act, 1991
Christmas Day (Trading) Act 2004
Cinemas Act, 1985
Clean Air Act, 1993
Clean Neighbourhoods and Environment Act 2005
Companies Act, 1985

Consumer Credit Act, 1974
Consumer Credit Act, 2006
Consumer Protection Act, 1987
Control of Pollution Act, 1974
Control of Pollution (Amendment) Act, 1989
Copyright, Designs and Patents Act, 1988
Copyright, Etc and Trade Marks (Offences and Enforcement) Act, 2002
Court and Legal Services Act, 1990
Criminal Attempts Act, 1981
Criminal Justice Act, 1988
Crossbow Act, 1987
Dangerous Dogs Act, 1991
Dangerous Wild Animals Act, 1976
Development of Tourism Act, 1969
Disability Discrimination Act 1995
Dogs Act, 1906
Dog (Fouling of Land) Act 1996
Energy Conservation Act, 1981
Energy Act, 1976
Enterprise Act 2002
Environmental Protection Act, 1990
Environment Act, 1995
Environmental and Safety Information Act, 1968
Estate Agents Act, 1979
European Communities Act, 1972
Explosives Act, 1875 and 1923
Explosives (Age of Purchase) Act, 1976
Factories Act, 1961
Fair Trading Act, 1973
Farm and Garden Chemical Act, 1967
Firearms Act 1968
Fireworks Act, 1951
Fire Safety and Safety at Places of Sports Act 1987
Financial Services and Markets Act 2000
Food Safety Act, 1990
Food and Environmental Protection Act, 1985
Forgery and Counterfeiting Act, 1981
Fraud Act 2006
Gambling Act 2005
Guard Dogs Act, 1975
Hallmarking Act 1973
Health Act 2006
Health and Safety at Work, etc. Act, 1974
Hire Purchase Act, 1964
House to House Collections Act 1939
Insurance Brokers (Registration) Act, 1977
Insurance Companies Act, 1982
Intoxicating Substances (Supply) Act, 1985
Knives Act, 1997
Law of Property (Miscellaneous Provisions) Act, 1989

Legislative and Regulatory Reform Act 2006
Licensing Act 2003
Local Government (Miscellaneous Provisions) Act, 1976 and 1982 (as amended)
London Olympic and Paralympic Games Act 2006
Magistrates Court Act, 1980
Malicious Communications Act, 1988
Magistrates Court Act, 1980
Medicines Act, 1968
Mines and Quarries Act, 1954
Mines and Quarries (Tips) Act 1969
Mock Auctions Act, 1961
Motor Cycles Noise Act, 1987
Motor Vehicles (Safety Equipment for Children) Act, 1991
Noise Act, 1996
Noise and Statutory Nuisance Act, 1993
Nurses Agencies Act, 1957
Offices, Shops and Railway Premises Act, 1963
Olympic Symbol etc (Protection) Act 1995
Opticians Act, 1989
Performing Animals (Regs) Act, 1925
Pet Animals Act, 1951
Petroleum (Consolidation) Act, 1928
Plant Health Act, 1967
Poisons Act, 1972
Police, Factories, Etc (Miscellaneous Provisions) Act 1916
Pollution Prevention and Control Act 1999
Prices Act, 1974 and 1975
Prevention of Damage by Pests Act, 1949
Property Misdemeanors Act, 1991
Protection of Animals Act, 1911 and 1934
Protection of Animals Act 2000
Protection of Animals (Amendment) Act, 1954
Protection of Animals (Anaesthetics) Act, 1954
Protection Against Cruel Tethering Act, 1988
Public Health Acts, 1875, 1936 and 1961
Public Health (Control of Diseases) Act, 1984
Rag Flock and Other Filling Materials Act, 1951
Refuse Disposal (Amenity) Act 1978
Registered Designs Act, 1949
Regulatory Reform (Fire Safety) Order 2005
Riding Establishments Acts, 1964 and 1970
Road Traffic (Consequential Provision) Act, 1988
Road Traffic (Foreign Vehicles) Act, 1972
Road Traffic Act, 1988 and 1991
Road Traffic Offenders Act, 1988
Safety of Sports Grounds Act 1975
Scotch Whisky Act, 1988
Scrap Metal Dealers Act, 1964
Slaughter of Poultry Act, 1967

Smoke-Free Premises etc (Wales) Regulations 2007
 Sunbeds (Regulations) Act 2010
 Solicitors Act, 1974
 Sunday Trading Act, 1994
 Telecommunications Act, 1984
 Theatres Act, 1968
 The TSE (Wales) Regulations 2002 (As amended)
 The Products of Animal Origin (Import and Export) Regulations 1996 (as amended)
 The European Communities Act 1972
 The Tobacco Advertising and Promotion Act 2002
 The Violent Crime Reduction Act 2006
 Theft Act, 1968 and 1978
 Timeshare Act, 1992
 Town Police Clauses Act, 1847
 Town Police Clauses Act, 1889
 Trade Descriptions Act, 1968
 Trade Marks Act, 1994
 Trading Representation (Disabled Persons) Act, 1958 and 1982
 Trading Schemes Act, 1996
 Trading Stamps Act, 1964
 Transport Act, 1982
 Unsolicited Goods and Services Act, 1971 (as amended)
 Video Recordings Act, 1984
 Vehicle (Crime) Act 2001
 Vehicle (Excise) Act, 1971
 Water Act, 1989
 Water Industry Act, 1991
 Weights and Measures etc. Act, 1976
 Weights and Measures Act, 1985
 Wildlife and Countryside Act, 1981
 Young Persons (Employment) Acts, 1938 and 1964
 Zoo Licensing Act, 1981

- 8.3. To arrange burials under Section 46 of the Public Health (Control of Disease) Act, 1984.
- 8.4 To discharge the duties imposed on the Council under the provisions of Section 149 of the Environmental Protection Act, 1990, and any amendments made thereon or any regulations made thereunder.
- 8.5 To ensure the appointment of a suitably qualified person who shall be designated The Chief Inspector of Weights and Measures for the Authority.
- 8.6 In consultation with the Head of Legal and Democratic Services to authorise and commence legal proceedings in respect of those matters for which the Head of Service has operational responsibility including the decision to prosecute the obstruction of an authorised Officer exercising properly delegated powers under this scheme.

- 8.7 To nominate others to accompany officers in the course of their duty, as provided in the relevant legislation.
- 8.8 To provide a consumer advice and assistance service under the provisions of the Weights and Measures Act, 1985.
- 8.9 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.10 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue fixed penalty notices under Section 43 of the Anti Social Behaviour Act 2003 (graffiti) and Section 8 of the Noise Act 1996 (excessive noise), subject to such Officers being suitably trained and qualified to carry out the duties authorised.
- 8.11 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue fixed penalty notices under Section 59 (offences under dog control order) and Section 73 (offences relating to audible intruder alarms) of the Clean Neighbourhoods and Environment Act 2005, subject to such Officers being suitably trained to carry out the duties authorised.
- 8.12 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990.
- 8.13 To issue Variations of Authorisations under Sections 10 and 11 of the Environmental Protection Act, 1990 and permits under Regulation 17 of the Pollution Prevention and Control Regulations 2000, which do not involve a substantial change in consultation with the Local Members.
- 8.14 To act as the Home Authority Officer for the Council.
- 8.15 To authorise designated Officers of the Planning, Regeneration and Regulatory Services department for the Purposes of Enforcement of the Intoxicating Substances (Supply) Act 1985.
- 8.16 To maintain registers of Licences issued and to approve the grant or refusal of licences (and renewals if permitted under the legislation) under the following Acts, subject to any licence or decision that is reserved to the Licensing Committee as set out in Part 3 of the Constitution and within Council Policy:-
- Police, Factories etc (Miscellaneous Provisions) Act, 1916
and House to House Collections Act, 1939 (House to House and Street Collections)
Charities Act 1992 (or such other legislation as may replace or supersede such Act).

Local Government (Miscellaneous Provisions) Act 1982 (power to renew sex shop and cinema licence where no representations received and the power to deal with Street Trading Consent applications, in consultation with the Chair of Licensing Committee if no representations received)

- 8.17 To undertake inspections, investigations, interviews, service of notices, notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Licensing Committee under the relevant legislation applicable thereto and to exercise all other relevant powers, including powers of entry provided under such legislation.
- 8.18 To approve the grant of licences under the Town Police Clauses Act, 1847 and 1889 and the Local Government (Miscellaneous Provisions) Act, 1976 Part II in respect of hackney carriages and private hire vehicles, operators and drivers in accordance with the Council's policies and to act as the Council's authorised officer for the purpose of Part II of the Act.
- 8.19 To refuse applications for Private Hire Vehicle Licences.
- 8.20 To enforce the provisions of the Licensing Act 1964, as amended by the Criminal Justice and Police Act 2001, relating to the sale of alcohol to children.
- 8.21 To approve each advertisement to be displayed on Denbighshire Hackney Carriages.
- 8.22 To appoint Proper/Alternate Proper Officers for medical matters under all sections of the Public Health (Control of Diseases) Act 1984 and associated regulations.
- 8.23 To enforce the powers contained in the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2002.
- 8.24 Power to appoint Officers as Inspectors under Section 19 (1) of the Health and Safety at Work, etc. Act, 1974.
- 8.25 To authorise designated Officers of the Planning, Regeneration and Regulatory Services department for the purposes of Enforcement of the Intoxicating Substances (Supply) Act 1985.
- 8.26 Powers in respect of registration and enforcement of motor salvage operators contained in The Vehicles (Crimes) Act 2001.
- 8.27 To enforce the powers contained in The Caravan Sites Act 1968
- 8.28 To license premises for acupuncture, tattooing, cosmetic piercing, electrolysis .and semi-permanent skin colouring

- 8.29 To authorise in writing Officers of the Planning, Regeneration and Regulatory Services department to issue Penalty Notices under the Smoke-Free Premises etc. (Wales) Regulations 2007, subject to those Officers being suitably trained to carry out the duties authorised.
- 8.30 To authorise the enforced sale of empty properties under the provisions of Part III of the Law of Property Act 1925 and Local Land Charges Act 1975 be delegated to the Head of Housing and Public Protection.
- 8.31 Undertake inspections, investigations, interviews, recording, service of notices and legal proceedings as are applicable to the Licensing Act 2003, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation, and to maintain registers of Licences issued thereunder.
- 8.32 The power to suspend and revoke licenses in respect of hackney carriages, private hire vehicles, private hire vehicle operators and hackney carriage/private hire vehicle drivers.
- 8.33 Approve all applications for the grant or transfer of a premises licence or club premises certificate where there are no relevant representations.
- 8.34 Approve all applications for a personal licence, variation of a designated premises supervisor or notices given in respect of an activity taking place under the authorisation of a temporary event notice where there is no police objection.
- 8.35 Determine whether a complaint is irrelevant, frivolous, vexatious, excluded or repetitive.
- 8.36 Determine all requests to be removed as a designated premises supervisor.
- 8.37 Determine whether a Hearing should take place pursuant to the Licensing Act 2003 if all parties are in agreement that no Hearing is necessary.
- 8.38 Request information from a party to clarify a point to be considered at a Hearing pursuant to the Licensing Act 2003 (Hearings) Regulations 2005.
- 8.39 To determine the following applications under the Gambling Act 2005 where no representations are received or where representations are withdrawn:
- Application for a premises licence
 - Application for a variation to a licence
 - Application for a provisional statement
 - Application for club gaming/club machine permits

8.40 To determine the following matters:

- Applications for permits other than club gaming/club machine permits
- The cancellation of licensed premises gaming machine permits
- Consideration of temporary use notice

8.41 To determine applications for a transfer of a licence where no representations are received from the Gambling Commission.

8.42 To give consent for the operation of loudspeakers under Schedule 2 of the Noise and Statutory Nuisance Act 1993.

8.43 To exercise the authority's functions under Chapter 1 Violent Crime Reduction Act 2006 (Drinking Banning Orders) and Section 15 (Power to impose charges on licence holders in zones)

8.44 To exercise the Authority's powers to deal with dangerous buildings under the Building Act 1984.

8.45 To lodge objections in consultation with the Chair and Vice-Chair of the Licensing Committee and the Local Member regarding a Vehicle Operating License

The following delegations relate to Planning functions:-

To have the power:

1. In cases where:

- (a) No adverse comments have been received; and
- (b) Objections have been resolved by discussion and negotiation.

A. To approve all types of application submitted under the Town and Country Planning Act 1990, discharge conditions attached to planning permissions and agree minor amendments to previously approved proposals* provided that:-

- (i) they accord with the provisions of the appropriate development plan, other adopted policy guidance or development brief
- (ii) they comply with all relevant adopted local authority standards
- (iii) in all cases the Head of Planning, Regeneration and Regulatory Services considers it prudent to exercise his delegated authority, failing which he shall report the matter to Committee.

Subject

- (i) where the Head of Planning, Regeneration and Regulatory Services deems it appropriate in accordance with planning policies and guidance to the prior completion of agreements securing controls over the development or financial contributions/works for the benefit of the community and

- (ii) to such conditions as the Head of Planning, Regeneration and Regulatory Services deems it appropriate to impose on the grant permission.

B To refuse all types of application submitted under the Town and Country Planning Act 1990 where he is satisfied that the proposals are contrary to the provisions of the appropriate development plan, planning policy guidance and circulars, do not comply with relevant adopted local authority standards or would be contrary to established planning practice and would cause demonstrable harm to an interest of acknowledged importance.*

Provided that:-

- (i) the decision would not conflict with any representations received within the consultation period.
- (ii) in all cases the Head of Planning, Regeneration and Regulatory Services considers it prudent to exercise his delegated authority failing which he shall report the matter to the Committee.
- (iii) the Local Member(s) have been notified of the intention to refuse the application.

To DETERMINE as appropriate the following categories of application pursuant to the Planning Acts.*

Determinations as to whether or not planning permission is required in consultation with the Head of Legal and Democratic Services

2. To CARRY OUT the following functions:

(a) Appeals*

To conduct appeals against the decisions of the Local Planning Authority

(b) Tree Preservation

- (i) To initiate and, where no written objections are received, Orders confirm Tree Preservation Orders.
- (ii) To deal with notifications for works to trees in Conservation Areas. Where there are objections and the intention is to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee.
- (iii) To determine applications for works, including felling to trees subject to Tree Preservation Orders. When there are objections to felling and the relevant Head of Service is minded to permit the works, this power to be exercised in consultation with the Chair and Vice-Chair of the Planning Committee and relevant Local Members.

(c) Listed Buildings*

- (i) To determine applications for internal works only to buildings listed as of Special Architectural or Historic Interest of Grade II.
 - (ii) To pass to CADW, with observations on behalf of the Council, applications for alterations/extensions to buildings listed Grade II.
 - (iii) To determine applications for demolition of unlisted buildings in Conservation Areas.
 - (iv) To determine within the guidelines laid down by the Council, applications for grant aid in respect of buildings of special architectural or historic interest.**
3. To deal with and respond to all agriculture and forestry notifications whether or not objections are received, within the 28 days allowed, in consultation with the Chair of the Planning Committee and the Local Member(s) for the area concerned.*
 4. To determine deemed consent applications under the Planning (Hazardous Substances) Act, 1990 in consultation as necessary with the Head of Housing.*
 5. To determine, following notification, whether the prior approval of the Council will be required for the demolition of buildings which are not already protected by listed building and conservation area legislation and in cases where it is determined that approval is required to approve the application unless objections to the proposal have been received.*
 6. To determine applications for Certificates of Lawfulness of Existing Use or Development and Certificates of Lawfulness of Proposed Use or Development under Sections 191 and 192 respectively of the Town and Country Planning Act, 1990, in consultation with the Head of Legal and Democratic Services.*
 7. To issue Enforcement Notices under Section 172 and to vary and withdraw Enforcement Notices under Section 173A of the Town and Country Planning Act 1990 and to issue Listed Building Enforcement Notices and to vary and withdraw such Notices under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990 subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Legal and Democratic Services.*

8. To serve Breach of Condition Notices under Section 187A of the Town and Country Planning Act, 1990, subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Corporate and Customer Services.*
9. To serve Planning Contravention Notices under Section 171C of the Town and Country Planning Act, 1990 and to hear and determine any representations made as a result.*
10. To serve Notices under Section 215 of the Town and Country Planning Act, 1990, in respect of land adversely affecting the amenity of a neighbourhood ('Untidy Land Notices') subject to prior consultation with the Chair and Vice-Chair of the Planning Committee, the Local Member(s) and the Head of Legal and Democratic Services.*
11. To deal with and respond to Telecommunication Development Notifications, in consultation with the Chair and Local Member whether or not objections are received.*
12. To approve or reject all plans which comply or which do not comply with the Building Regulations for the time being in force or the Building Act 1984. ***
13. To arrange for the protection or demolition of dangerous structures, including the service of Notices under Section 78 of the Building Act, 1984. ***
14. To serve Notices under the Building Act 1984 and Section 16 of the Local Government (Miscellaneous) Provisions Act 1976.***
15. Appeal against notice requiring works under Section 102 of the Building Act, 1984.
16. To grant consents for building over sewers. ***
17. To arrange and approve the numbering of houses and the naming of streets. ***
18. To issue the standard completion certificate as approved by the Council certifying that works are in accordance with the Building Regulations.***
19. To negotiate and establish appropriate Building Control and Pre-Planning Application Advice Fees in response to market forces. ***
20. To take enforcement action in respect of non-compliance with the Building Regulations for the time being in force. ***
21. To determine applications under the Hedgerow Regulations 1997.*

22. To authorise other Officers to have the powers of entry under Section 95 of the Building Act, 1984 and Sections 196A, 214B and 324 of the Town and Country Planning Act, 1990.
23. To authorise other Officers to have the powers of entry under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act, 1990 and Section 36 of the Planning (Hazardous Substances) Act, 1990.
24. To decide on whether proposed developments require Environmental Impact Assessment, including decisions on whether environmental statements are needed and the giving of screening and scoping opinions, under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, following consultation with the Chair of the Planning Committee and having informed the relevant Local Members.*
25. To determine whether proposed developments require Appropriate Assessments and the giving of opinions on tests of likely significance, under the European Habitat Directive 1992, the Conservation (Natural Habitats, & c.) Regulations 1994 and any associated legislation/regulations, following consultation with the Chair of the Planning Committee and relevant Local Members. **
26. To review annually the commuted sum payable for future maintenance of public open spaces in new housing developments and to set a new sum if it is deemed appropriate.
27. To vary or revoke Tree Preservation Orders subject to prior consultation with and the agreement of the Local Member(s).**
28. To make all necessary arrangements to set up and convene meetings of the Design Panel and to expand the membership of the Panel as considered appropriate. **
29. To update from time to time:
 - (a) the Building Cost Multipliers and Contributions as shown in the Council's approved Local Planning Guidance Note on Developer Contributions to Schools in line with Government advice;** and
 - (b) the list of schools with a current shortage of places based on the Denbighshire Schools Organisation Plan.**
30. To exercise all the functions of the Council in respect of high hedges under the provisions of Part 8 of the Anti-Social Behaviour Act 2003 and any Regulations made thereunder, including authority to charge the maximum fee permissible under the relevant Regulations in connection with complaints made to the Council, or any concessionary rate in accordance with Council policies.**

In the absence or inability to act of the Head of Planning, Regeneration and Regulatory Services, these delegations may be exercised by:

- * the Development Control Manager
- ** the Planning Policy Manager
- *** the Building Control Manager

In the absence or inability to act of the Head of Planning, Regeneration and Regulatory Services and the other three officers referred to above that these delegations may be exercised by the Corporate Director – Business Transformation and Regeneration

9. To the Head of Housing Services

To have the power:-

- 9.1. To authorise in writing all officers of the Housing Services department who may from time to time be employed to discharge the specific duties and functions delegated to the Head of Housing Services, subject to such officers being suitably qualified for the discharge of those duties and functions.
- 9.2 To undertake inspections, investigations, interviews, sampling, prohibitions, seizures, detentions, recording, service of notices, (including suspension notices), notifications, waivers, transfers, authorisations, licensing, registrations and legal proceedings as are within the purview of the Housing department under the legislation applicable thereto set out below, together with any regulations made thereunder, and any amendments or additions thereto and to exercise all other relevant powers, including powers of entry provided under such legislation.

Legislation

Accommodation Agencies Act 1953
Administration of Justice Act 1970
Anti Social Behaviour Act 2003
Children and Young Persons Act 1933
County Courts Act 1984
Crime and Disorder Act 1998
Health Act 2006
Homelessness Act 2002
Housing Act 1985 (as amended by the Local Government and Housing Act 1989)
Housing Act 1996 (including amendments made under the Anti Social Behaviour Act 2003)
Housing Act 2004
Housing Grants, Construction and Regeneration Act 1996
Local Government Act 1972
National Assistance Act 1948
National Assistance (Amendment) Act 1951
Noise Act 1996
Noise and Statutory Nuisance Act 1993
Protection from Eviction Act 1977

- 9.3 To issue Certificates of Approval of Works carried out for works of improvement, repair, conversion and adaptations under Part I of the Housing Grants, Construction and Regeneration Act 1996, including payments by instalments.
- 9.4 To deal with all matters arising from applications for grants under Part 1 of the Housing Grants, Construction and Regeneration Act 1996 including approval and rejection of applications, subject to consultation with the Head of Finance and Assets in respect of financial aspects, and to any financial allocation available for this purpose in any one year not being exceeded.
- 9.5. To deal with all aspects of approval and payments for unforeseen work above currently agreed limits in respect of House Renovation Grants.
- 9.6 To administer the housing needs register (waiting list, transfer list etc.)
- 9.7. To let Council dwellings and to nominate to other social landlords including temporary non-secure lets, waiting list applicants, transfers, exchanges, key workers, tied tenancies and mobility schemes.
- 9.8 To administer the Housing Benefit Scheme as it relates to Local Authority Dwellings under the provisions of the Social Security Act, 1986.
- 9.9 (i) To administer the Council's functions and responsibilities towards the Homeless under the provisions of the Housing Act, 1985.
- (ii) To consider and determine any requests received by the Council pursuant to Section 8 of the Homelessness Act 2002 calling for a review of the suitability of accommodation offered by the Council.
- (iii) To make determinations under the Homelessness Act in respect of applicants considered unsuitable to be a tenant.
- 9.10. To sign and serve all relevant notices under the Housing Act, 1985 (and any other relevant Housing Acts) pertaining to:-
- The setting and collection of rents and charges
 - Varying terms and conditions of tenancies
 - All matters under the 'Right to Buy' Provisions (not otherwise specifically delegated)
 - Consultation with tenants
 - Right to Repair
 - Compensation for tenants' improvements
- 9.11. To sign and serve all relevant Notices to Quit, Notices Seeking Possession and, in consultation with the Head of Legal and Democratic Services, authorise legal proceedings for Possession, Costs and Warrants of Execution and to secure the eviction of Secure, Demoted and Introductory tenants (if relevant) as a result of:-

- Non-payment of rent
 - Breaches of tenancy agreement
- 9.12 To carry out or arrange for the carrying out of repairs and maintenance of all Council owned properties.
- 9.13 To carry out or arrange for the carrying out of repairs, improvements and adaptations in accordance with the Housing Capital programme or revenue estimates.
- 9.14. To authorise legal proceedings for nuisance in consultation with the Head of Legal and Democratic Services and the Local Member(s)
- 9.15 To authorise Housing Officers to exercise the right of audience in the County Court under Section 60(2) of the County Courts Act 1984.
- 9.16. To exercise functions under the Anti-Social Behaviour Act 2003, on behalf of the Council in its capacity as landlord, to deal with instances of anti-social behaviour.
- 9.17. To review decisions to seek an order for possession of dwelling houses let under introductory and demoted tenancies, in accordance with the Introductory Tenants (Review) Regulations 1997 and the Demoted Tenancies (Review of Decisions) (Wales) Regulations 2005.
- 9.18. In consultation with Local Members and the Lead Member to approve, where there are no objections, future disposal schemes in accordance with the Council's policy for the fencing in of open plan gardens on Council housing estates (with the Head of Finance and Assets being responsible for negotiating and agreeing terms for any disposals).
- 9.19 To act as the Authorised Officer under the Housing Act 2004
- 9.20 To provide a Certificate of Housing Authority under the Schedule 15 Part iv of the Rent Act 1977
- 9.21 To issue a Certificate of Housing Authority under Schedule 4 Rent (Agriculture) Act.

10. To the Head of Highways and Infrastructure

- 10.1 To act on a day to day basis, and within the scheme of delegation in the following areas:-
- Agreements, deposits, licences, consents and enforcements under the Highways Act 1980 and all other relevant highways legislation.
 - Recovery of charges for licences for highway works
 - Recovery of costs for public footpath orders
 - Decisions on footpath diversion orders where there are no objections.
 - Enforcement in respect of deposits and obstructions on the highway

- Highway nuisance
- Safe routes to schools
- Road safety, education and training
- Surveys of public rights of way
- Adoption of roads
- Traffic Regulations and/or Orders
- The undertaking of statutory consultations with the Police in relation to proposed Traffic Orders.
- Disabled Parking Orders.
- Operation of the Councils' Advance Payment Code
- Service of all appropriate notices in respect of highway matters
- Drainage in respect of the highway
- Provision of road markings, rails, barriers and signs not requiring Assembly approval.
- Delegated functions under the Trunk Road Agency Agreement in accordance with the North East Wales Trunk Road Agency Partnership Agreement
- Maintenance of Highways (including Rights of Way)

10.2 Authority to determine the following applications:-

- Under the New Roads and Street Works Act 1991
- The deposit of contractors skips on the highway
- To obtain consent under Section 1 of the Local Government (Miscellaneous Provisions) Act 1976 in respect of erection of flagpoles and the positioning of cut or tub trees on the highway
- In respect of proposed public footpath Orders where they are unopposed
- Under Part VII A of the Highways Act 1980 and any adopted highway within the County, after consultation with the relevant Cabinet and Local Members.
- From Public Utilities to undertake work on the highway
- In relation to activities in pedestrianised areas and adopted highways, in consultation with Local Members.
- Unopposed applications for stopping up orders.
- To authorize the making of road traffic regulation orders and to determine residents parking schemes, disabled parking spaces, parking orders, waiting restrictions, weight limits, speed limits, bus and other priority lanes and traffic calming measures.

10.3 Authority to take action under section 230 Highways Act 1980, in relation to urgent repairs to private streets.

10.4 Authority to determine the programme of revenue works (other than those included in the Council's capital programme and pre-programme schedules) for each financial year and to execute those works.

10.5 Authority to comment on behalf of the Council on proposals or draft Orders initiated by other public authorities for the extinguishment or diversion of highways or public footpaths.

- 10.6 To receive all notices and information from water undertakers, and to maintain the registers in accordance with the Reservoirs Act 1975.
- 10.7 To undertake all necessary action under the Reservoirs Act 1975 in connection with enforcement.
- 10.8 In consultation with the Local Member to select bus stop sites and to select suitable sites for the erection of bus shelters, and grant consent to Community Councils for the erection of bus shelters within the highway under Section 4 of the Local Government (Miscellaneous Provisions) Act 1953.
- 10.9 To authorise the letting of contracts for works associated with highways, transportation and drainage, general engineering, land remediation, land reclamation, and building and construction, in accordance with Financial Regulations and the Contract Procedure Rules.
- 10.10. To arrange for the making of permanent traffic regulation orders under the Road Traffic Regulation Act 1984 as amended and to consider objections to permanent traffic regulation orders in consultation with the Local Members.
- 10.11. In consultation with the Head of Legal and Democratic Services to sign and serve notices, give consents and take any other action, including authorising prosecutions for offences, as may be appropriate under any statute, including specifically the Highways Act, 1980, or any other legislation relating to the Highway or other functions, duties and powers within the purview of the Highway Services department, and additionally, in consultation with the Head of Environment in so far as Local Rights of Way (as defined by Section 60(5) of the Countryside and Rights of Way Act 2000) are concerned.
- 10.12. To grant consent to Community Councils for the placing of seats within the highway under section 5 of the Parish Councils Act 1957.
- 10.13. To grant consent to the Post Office for the erection of post boxes within the highway, in consultation with Local Members.
- 10.14. To grant consent for the erection of telephone kiosks within the highway in consultation with Local Members.
- 10.15. To undertake such functions as are within the purview of the Highway Services department and as are required of the Council under the Joint Trunk Road Agency Agreement with the National Assembly for Wales.
- 10.16. To have responsibility for the management of the enforcement function for parking contraventions, both on-street and off-street and any other contraventions covered by the road traffic and traffic management legislation, but excluding responsibility for setting parking charges and penalty charge levels.
- 10.17. To waive or amend car parking charges for special promotions.

- 10.18 To take all necessary action to provide additional temporary car parks as required, in consultation with the Local Member(s).
- 10.19 To exercise the powers of the Council under Section 15 of the Clwyd County Council Act, 1985 where appropriate.
- 10.20 To authorise entry into Agreements under Section 278 of the Highways Act, 1980 where appropriate.
- 10.21 To authorise the making of applications to the Magistrates Court for the stopping up or diversion of highways under Section 116 of the Highways Act, 1980, in consultation with the Local Member(s).
- 10.22. In consultation with the Local Member(s) to undertake all necessary action following consideration of objections to Off Street Parking Places Orders.
- 10.23 To determine the commuted sum to cover the cost of maintenance, for a 10 year period, to be levied on developers who, as part of a development, create a highway verge.
- 10.24 To select contractors to undertake works in relation to the various categories of work falling within the purview of the Highways and Infrastructure department from the approved Select List of Contractors, and acting on behalf of other clients using the department for such works, in accordance with Financial Regulations.
- 10.25 To have the power to authorise (in writing) persons to enter onto land pursuant to, and for the purposes of, Sections 289 and 291 of the Highways Act 1980.
- 10.26 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.27 To authorise in writing Officers of the Highways and Infrastructure department to act for the purposes of enforcing Schedule 4 of the Environmental Protection Act 1990.
- 10.28 To serve written notices in accordance with the provisions of Part II of the Traffic Management Act 2004 on any Works Promoter or Contractor directly employed by the Council to prohibit or suspend planned works on any road within the County for any period of time where such prohibition secures the expeditious movement of traffic within the County.
- 10.29 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.

- 10.30 To operate the testing of private hire and hackney carriage vehicles as well as operating a MOT service.
- 10.31 To exercise the function of making Public Path Extinguishment Orders under Section 118 of the Highways Act 1980 in consultation with the Local Members.
- 10.32 (i) To exercise the function of making Public Path Diversion Orders under Section 119 of the Highways Act 1980 and Section 257 of the Town and Country Planning Act 1990 in consultation with the Local Members.
- (ii) To formally abandon Public Path Diversion Orders made under Section 119 of the Highways Act 1980 or Section 257 of the Town and Country Planning Act 1990, subject to the Local Member having no objection to the proposal with the power to decide proposals to which the Local Member objects remaining with the Council.
- 10.33 To enter into Public Path Creation Agreements under Section 25 of the Highways Act 1980 on behalf of the Council.
- 10.34 To exercise the function of determining applications for Definitive Map Modification Orders, in consultation with the Local Members concerned (except in respect of 'legal event orders' under Section 53(3)(a) of the Wildlife and Countryside Act 1981) and the Head of Legal and Democratic Services.
- 10.35 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980.
- 10.36 In consultation with the Head of Legal and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 10.37 To decide applications for free and assisted transport to schools and colleges (except pupils with special educational needs) in accordance with the Council's policies relating to home to school transport.
- 10.38 To set the level of charges for the issuing of consents for highway works and obstructions and other matters pursuant to the Local Authorities (Transport Charges) Regulations 1998 and to apply discretionary annual adjustments to such charges in line with inflation.
- 10.39 To arrange for the making of temporary traffic regulation orders under the Road Traffic Regulation Act 1984 as amended.
- 10.40 To approve the making of orders under S.21 Town Police Clauses Act 1847, following consultation with Local Members.

- 10.41 To exercise all the powers of the Council under the Land Drainage Act 1989 including the service of notices under the Act.
- 10.42 To administer the provisions of the New Roads and Street Works Act 1991 in respect of Streets, Street Works and Undertakers.
- 10.43 To determine applications (in consultation with the Head of Planning, Regeneration and Regulatory Services) for licences under s.115E of the Highways Act 1980 to use the highway for the provision of facilities for refreshments.
- 10.44 To have the overall responsibility pursuant to the Transport Act 1968 for the proper operation and maintenance of the Council's transport fleet and to hold the relevant Operators Licence, or to designate an appropriate officer for such purpose.

11 To the Head of Leisure, Libraries and Community Development

- 11.1 Power to vary charges or to agree promotional packages or to introduce minor new charges to cover the cost of all departmental activities and facilities in compliance with s.19 Local Government (Miscellaneous Provisions) Act 1976 in relation to certain leisure functions.
- 11.2 In consultation with the Head of Customer Services, the Head of Legal and Democratic Services and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.
- 11.3 Authority to accept or reject gifts, bequests or loans to the Council's Museum Service within the terms of the Policy.
- 11.4 To comply with the Activity Centres (Young Persons Safety) Act 1995 and any regulations made thereunder, including holding any licence required by virtue of these provisions, or designating an appropriate Officer for such purposes.
- 11.5 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.
- 11.6 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.

- 11.7 To have overall responsibility pursuant to the Health and Safety At Work etc Act 1974 including carrying out any risk assessments and taking steps to minimise such risks to health and safety, or designating an appropriate Officer for such purposes in accordance with the Management of Health and Safety at Work Regulations 1999.
- 11.8 To ensure the provision of statutory youth services jointly with the Head of School Improvement and Inclusion.
- 11.9 To ensure the provision of facilities and organized leisure time occupation connected with any training and education pursuant to the Council's duties as set out in the Learning and Skills Act 2000 in consultation with the Head of School Improvement and Inclusion.

12. To the Head of Customer Services

- 12.1 The Councils Officer with delegated responsibility for the procurement of all ICT equipment in accordance with the Councils Contract Procedure Rules.
- 12.2 The Councils Data Protection Officer in respect of the Councils' registration with the Information Commissioners Office.
- 12.3 In consultation with the Head of Leisure, Libraries and Community Development, the Head of Legal and Democratic Services and the Deputy Monitoring Officer (together forming the FOI Exemptions Panel) to decide whether information may be withheld under exemptions contained in the Freedom of Information Act 2000, the Data Protection Act 1998 or the Environmental Information Regulations 2004 on behalf of the Council.

13. To the Head of Environment

- 13.1 To have power to operate cleansing and waste and grounds maintenance responsibilities within the purview of the Environment Department from time to time under the following legislation as amended or re-enacted.
- Litter Act 1983
 - Refuse Disposal (Amenity) Act 1978
 - Environmental Protection Act 1990
 - Town and Country Planning Act 1990
 - Criminal Damage Act 1971
 - Control of Pollution Act 1974
 - Local Authority (Goods and Services) Act, 1970
 - Transport Act 1968
 - Local Government (Miscellaneous Provisions) Act 1976
 - Local Government Act 1988
 - Local Government Planning and Land Act 1980

- 13.2 To initiate Horticultural schemes within the Council's estimates.
- 13.3 To organise floral displays for Civic and Charitable functions.
- 13.4 To manage all allotment sites including the allocation of and the taking of action against tenants of untidy allotments.
- 13.5 To manage all cemeteries controlled by the Council.
- 13.6 To supervise and manage the Countryside Service and Country Parks including maintenance of park, amenity areas and children's playgrounds and all other outdoor recreation facilities, including pavilions and changing accommodation incidental thereto.
- 13.7 To exercise the Council's powers to deal with dangerous trees pursuant to Section 23 and Section 24 of the Local Government (Miscellaneous Provisions) Act 1976.
- 13.8 To make arrangements for the collection of domestic and commercial waste and for its safe disposal.
- 13.9 To prepare a plan of the Council's arrangements for recycling and to provide litter bins
- 13.10 To grant consents to Community Councils for the placing of litter bins within the highway, in consultation with the Head of Highways and Infrastructure.
- 13.11 To institute action for the cleansing of street litter and refuse, including publicity for litter campaigns.
- 13.12 In consultation with the Head of Legal and Democratic Services, to authorise the institution of legal proceedings in respect of those matters for which the Head of Environment has operational responsibility.
- 13.13. To maintain the public register for the principal litter authority.
- 13.14 To take action to control abandoned vehicles and trolleys, to remove fly posting and graffiti.
- 13.15 To classify various types of waste for collection and disposal and streets requiring cleansing
- 13.16 The prohibition of street parking to facilitate street cleansing.
- 13.17 With the Head of Planning, Regeneration and Regulatory Services to control and monitor closed disposal sites to prevent pollution or environmental nuisance.

- 13.18 To carry out the Council's functions and duties in connection with the collection, reclamation, recycling and disposal of waste, street cleaning and litter, including the negotiation of terms for commercial waste collection.
- 13.19 To determine in consultation with Local Members applications for the temporary use of land under the control of the Environment Department for periods not exceeding one year.
- 13.20 To exercise, on behalf of the Council, the powers and duties arising from the statutory provisions relating to the service of notices for those functions for which he has responsibility.
- 13.21 To approve from time to time the scale of charges recommended by the Council's Refuse Collection Contractor for the commercial refuse collection service and the price of charges recommended by the Refuse Collection Contractor for the sale or rental by the contractor of commercial refuse containers
- 13.22 To exercise the power to authorise the erection of stiles, etc, on footpaths and bridleways pursuant to Section 147 of the Highways Act 1980 in consultation with the Local Members concerned.
- 13.23 In consultation with the Head of Legal and Democratic Services, to take action under Section 130 (protection of public rights in respect of highway) and Section 149 (removal of items deposited on a highway) of the Highways Act 1980, in relation to highways which are Local Rights of Way as defined in Section 60(5) of the Countryside and Rights of Way Act 2000.
- 13.24 To authorise in writing Officers of the Environment department to issue Fixed Penalty Notices under Section 88 of the Environmental Protection Act, 1990, subject to those Officers being suitably trained to carry out the duties authorised.
- 13.25 To undertake the gathering of evidence, issuing of Fixed Penalty Notices and allied action including legal proceedings in respect of offences relating to litter under the Environmental Protection Act 1990
- 13.26 To approve applications for grant aid under the Environmental Community Grants Scheme (or equivalent) in consultation with the appropriate Local Member(s).
- 13.27 To determine individual applications for an additional refuse bin for households of 5 or more persons.

14. To the Corporate Director - Demographics, Well being and Planning

14.1 To act as the Council's Statutory Director of Social Services in accordance with Section 6 of the Local Authorities Social Services Act 1970 in relation to the Council's Social Services functions.

14.2 The overall performance and strategic management responsibility for Social Services is delegated to the Corporate Director (Demographics, Well being and Planning) as the Statutory Director.

14.3 As Statutory Director to maintain an overview of the full range of social services activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority social services function including the following core responsibilities as set in Statutory Guidance on the Role and Accountabilities of the Director of Social Services 2009:-

- **Providing clear professional leadership across Social Services**
 - Through the Annual Report to Council, to ensure vision, strategic direction, priorities and improvement plans for social services are clear and help fulfil corporate plans.
 - To ensure coherence and integrated leadership across social services and, via SSEMT across social services and education.
 - As a Member of the Regional Social Services Programme Board
 - To engage in regional and national social services networks e.g. through ADSS, SSIA, NWSSIC.
 - To ensure engagement of users of social services in bringing the Council closer to the community – shaping the delivery of priorities and services across the Council.

- **Having direct access to and advising the Chief Executive and Councillors on Social Services matters and on the direction and actions the authority should take in fulfilling its Social Services responsibilities.**
 - To brief and advise Council, Cabinet, Scrutiny and the Chief Executive on high risk issues relating to social services, the contribution of social services to corporate programmes and the impact of corporate programmes on vulnerable groups.
 - As Statutory Director to report to the Cabinet, Lead Member and Scrutiny Committees in relation to the planning, delivery and performance of the Councils' social services functions, and to be accountable for the oversight and co-ordination of such functions.

- **Ensuring that strong performance management arrangements are in place across Social Services and reporting at a corporate level and to Members on the authority's performance in respect of these;**
 - To receive defined performance and quality information on a monthly basis to enable overall performance management and quality assurance.
 - To intervene when financial position, performance or quality are below expected standards and improvement activity is not sufficiently timely or effective.
 - To undertake annual performance appraisals of the social services heads of service.
 - To be a principal point of contact with the Welsh Government and professional leads, the service and workforce regulators, audit and inspection bodies.
 - To be responsible for the reporting and communicating directly with the Welsh Government and the Care and Social Services Inspectorate for Wales; and the development and maintenance of productive relationships with other sectors and agencies as the lead officer on social services matters

- **Ensuring that the authority has proper safeguards to protect vulnerable children and young people, adults and older people, and reporting at a corporate level and to Members on their effectiveness,**
 - Ensuring the effective operation of the Local Safeguarding Children Board and Denbighshire Adult Protection Committee
 - To carry ultimate accountability across the Council for safeguarding children including ensuring safe employment practices.
 - As a member of the Corporate Parenting Forum

- **Fulfilling overall responsibility for Social Services workforce planning, training and professional development.**
 - Ensuring employment arrangements for social care staff comply with Care Council Codes of Practice.
 - To ensure integration of the social care workforce agenda with wider corporate and partnership workforce development agendas.

- **Ensuring that there are adequate arrangements in place for Social Services to work effectively with others, both within and outside the Authority, in fulfilling its Social Services functions and in contributing to the achievement of wider policy objectives.**
 - As a member of the LSB.
 - To act as Lead Officer for liaison with the NHS and the wellbeing agenda;
 - As a CPG member
 - As Lead Officer for regional social care and health/social care collaboration projects.

- 14.4 To act as an Authorised Officer under the Regulation of Investigatory Powers Act 2000.
- 14.5 To keep the Statutory Director of Education and the Statutory Lead Director for Children and Young People's Services apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.

15. To the Head of Adult and Business Services

- 15.1 The strategic and operational delivery and/or securing by the Council of Personal Social Services for Adults.
- Adult services, including mental health, learning disabilities, older people, acquired brain injury and physical disabilities;
 - Performance and Financial Management, including complaints and representations relating to social services for adults;
 - Inter-agency and Partnership Working;
 - Commissioning and contracting across all adult services.
 - To act as Lead Officer in respect of Workforce Planning and Development across both Adult and Children's Social Services.
 - The management of the complaints services across both Adult and Children's Services in accordance with any relevant complaints procedures and Directions.
 - The safeguarding of vulnerable adults or adults at risk, in accordance with the current statutory and policy framework.
- 15.2 In particular, to exercise those functions of the Council which relate to personal social services for adults under the appropriate Sections of the following Acts as amended or re-enacted, having regard to any Statutory Guidance, Directions and Regulations issued thereunder:-
- National Assistance Act 1948
 - Disabled Persons (Employment) Act 1958
 - Health Services and Public Health Act 1968
 - Chronically Sick and Disabled Persons Act 1970
 - Supplementary Benefits Act 1976
 - Mental Health Act 1983 and 2007
 - Mental Health (Wales) Measure 2010
 - Mental Capacity Act 2005
 - Health and Social Services and Social Security Adjudication Act 1983
 - Public Health (Control of Disease) Act 1984
 - Housing Act 1985
 - Disabled Persons (Services, Consultation and Representation) Act 1986
 - National Health Service and Community Care Act 1990
 - National Health Service (Wales) Act 2006

- Criminal Justice Act 1991
 - Social Security Administration Act 1992
 - Carers (Recognition and Services) Act 1995
 - Health Act 1999
 - Local Government Act 2000
 - Care Standards Act 2000
 - Health and Social Care Act 2001 and 2008
 - Nationality, Immigration and Asylum Act 2002
 - Safeguarding of Vulnerable Groups Act 2006
 - National Health Service Act 1977 and 2006
 - Carers and Disabled Children Act 2000
 - Carers Act 2000
 - Carers (Equal Opportunities) Act 2004
 - Community care (Delayed discharge) Act 2003
 - Data Protection Act 1998
 - Social Care Charging (Wales) Measure 2010
 - Nationality, Immigration and Asylum Act 2002
- 15.3 To act as the Senior Responsible Person for the purposes of the Care Standards Act 2000 and be the Lead Officer for DAPC and line manage POVA Co-Ordinator in accordance with ‘In Safe Hands’ guidance
- 15.4 In consultation with the Head of Finance and Assets and the Corporate Director, Demographics, Well Being and Planning, to approve fee increase, within budgetary resources, for residential and nursing home provision following approval by Cabinet of the methodology of setting the fee.
- 15.5 The setting and administration of all charges levied in respect of social services for adults including the waiving of charges and subject to any limit on such charge or fee, set by statute.
- 15.6 The provision of improvements and adaptations to a disabled persons’ home under section 2(1)(e) of the Chronically Sick and Disabled Persons Act 1970.
- 15.7 In consultation with the Head of Legal and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted.
- National Assistance Act 1948 Section 47 and 56(3)
 - Mental Health Act 1959 Section 131
 - Mental Health Act 1983 Sections 29 and 30, Part V and VII and Section 130
 - Health and Social Services and Social Security Adjudications Act 1983 Section 22
 - Mental Capacity Act 2005
 - Insolvency Act 1986 Section 339,
 - Recovery in the County Court for debt matters arising from the provision of services rendered under Section 21 and 29 National Assistance Act 1948
 - The High Courts’ jurisdiction in respect of vulnerable adults who lack capacity.

Any other function of the Council in relation to the provision of personal social services for adults which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

- 15.8 To approve a Panel of suitable and willing persons to act as members in respect of independent reviews on complaints under procedures established under the National Health Service and Community Care Act 1990.
- 15.9 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the National Health Service and Community Care Act 1990.
- 15.10 To act as Guardian and decide upon the reception of persons into Guardianship of the Council under Section 7 and 37 of the Mental Health Act 1983.
- 15.11 To approve a package of Community Care in excess of the gross cost of Residential Placement for the registration category of the person concerned when the cost can be met by the budget holder.
- 15.12 To appoint Approved Mental Health Practitioners.
- 15.13 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under social services complaints procedures
- 15.14 To exercise the power to appoint Proper/Alternative Proper Officers for medical matters under the National Assistance Act 1948 and the National Assistance (Amendment) Act 1951.
- 15.15 To make decisions on consent under s.30 to 31(2) of the Anti Social Behaviour Act 2003 on dispersal of groups and removal of persons under 16 to their place of residence (jointly with the Head of Children and Family Services in respect of those under 16 who form part of such groups).
- 15.16 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 15.17 To consult and keep apprised of key corporate decisions/actions relevant to the Councils' Older Peoples Champion and Lead Member, where appropriate.
- 15.18 To ensure service users are engaged in shaping priorities and delivery of adult social services.
- 15.19 To engage in regional and national networks relating to Adult Services.

- 15.20 To develop the annual Service Business Plan and contribute to ACRF
- 15.21 To develop and manage service risk registers and undertake any corporate Service Challenge process.
- 15.22 To commission and receive regular management information to enable strategic planning and operational management of the services.
- 15.23 To have overall responsibility for the annual budget agreed for Adult Services.
- 15.24 To report annually to Scrutiny and Council on adult protection procedures.
- 15.25 To act as Lead Officer for specific health/social care integration projects;
- 15.26 To be a CPG member;
- 15.27 To act as Lead Officer for regional social care and health/social care collaboration projects.

16. To the Head of Children and Family Services

- 16.1 The strategic and operational delivery and/or securing by the Council of personal social care services for children and young people including:
- appropriate contact and referral arrangements for service users and other agencies
 - family support services to “children in need”
 - child protection (safeguarding) services, including responsibilities under the United Nations Convention on the Rights of the Child.
 - domiciliary care for children and young people who are disabled
 - accommodation services for looked after children including fostering and residential care
 - the full range of services required of an adoption agency whether through any Regional Adoption Service, or not as the case may be
 - planning, commissioning contracting and performance management services
 - strategic planning in conjunction with partner agencies
 - the management of complaints and representation
 - Partnership working including a role in the Local Safeguarding Children Board
 - Ensuring the workforce needs of Children’s Services are identified and reflected in the workforce plans and that effective staffing structures are in place.

16.2 In particular, to exercise those functions of the Council which relate to personal social services for children and young people, under the appropriate Sections of the following Acts as amended or re-enacted having regard to any Statutory Guidance issued thereunder:

Disabled Persons (Employment) Act 1958
Children & Young Persons Act 1969
Children Act 1989
Adoption (intercountry Aspects) Act 1999
Children (Leaving Care) Act 2000
Adoption & Children Act 2002
Children Act 2004
Safeguarding of Vulnerable Groups Act 2006
Public Health (Control of Disease) Act 1984
Disabled Persons (Services, Consultation and Representation) Act 1986
Carers (Recognition and Services) Act 1995
National Health Service and Community Care Act 1990
Criminal Justice Act 1991
Anti Social Behaviour Act 2003
Carers and Disabled Children Act 2000
Care Standards Act 2000
Nationality, Immigration and Asylum Act 2002
Carers Act 2000
Carers (Equal Opportunities) Act 2004
Data Protection Act 1998

16.3 The administration of all charges levied in respect of personal social services for children and young people including the waiving of charges.

16.4 The provision of financial assistance under sections 17 & 24 of the Children Act 1989 and the Children (Leaving Care) Act 2000.

16.5 In consultation with the Head of Legal and Democratic Services to institute proceedings in a Court or other Tribunal under the following Acts as amended or re-enacted:

- Adoption and Children Act 2002
- Children Act 1989 Sections 25, 31, 34, 39, 43, 44, 45, 48(9), 50, 70, 94, 100, 102 and Schedule 2 Paragraph 19 and Schedule 3 Paragraph 6(3).

Any other function of the Council in relation to the provision of personal social services which involves an application to a Court or other Tribunal including the prosecution of offences or which requires the execution of any document having effect in law.

16.6 To respond at the formal stage on behalf of the Authority on complaints dealt with under proceedings established under the Children Act 1989

- 16.7 To agree the accommodation of children under the Children Act 1989 and the provision of support generally under Part 3 Children Act 1989.
- 16.8 To give the necessary consents to appropriate matters relating to children the subject of Care Orders to the Authority including the giving of consent for medical treatment and obtaining passports and holiday consent for children the subject of Care Orders.
- 16.9 To decide upon recommendations of the Foster Care and Adoption Panels.
- 16.10 To respond on behalf of the Authority at the appeal stage following independent reviews and complaints under the procedures established under the Children Act 1989
- 16.11 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 16.12 To give consent to private law orders including residence orders and special guardianship where appropriate.
- 16.13 Power to exercise the functions and make decisions in relation to the Fostering Services for Children- Payment for Skills 2005 Policy in respect of:
- Fostering allowance rates
 - Festival, Birthday and Holiday allowances
 - Weekly residence order allowances
 - Freezing/unfreezing levels of allowances and fees to foster carers registered on the Foster Carers Register.
- 16.14 To make decisions on consent under s.30 to 31(2) of the Anti Social Behaviour Act 2003 on dispersal of groups and removal of persons under 16 to their place of residence.
- 16.15 Leadership and improvement of the well being of children as defined in s.25 (2) Children Act 2004
- 16.16 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for the Statutory Officer role.
- 16.17 To act as Senior Responsible Person for the purposes of the Care Standards Act 2000 and Lead Officer for child protection and safeguarding systems in accordance with 'Working Together' guidance.
- 16.18 To be the Lead Officer for the LSCB.
- 16.19 To be the Lead Officer for the Corporate Parenting Forum.

- 16.20 To act as the Emergency Planning Lead for Social Services.
- 16.21 To engage in regional and national networks relating to Children's Services.
- 16.22 To report annually to Scrutiny and Council on the effectiveness of child protection procedures.
- 16.23 To have overall responsibility for the annual budget agreed for Children Services.
- 16.24 To develop the annual Service Business Plan and contribute to ACRF.
- 16.25 To develop and manage service risk registers and undertake any corporate service challenge process.
- 16.26 To commission and receive regular management information to enable strategic planning and operational management of services.
- 16.27 To ensure services are planned and delivered effectively across adults and children services and across children's services and education services.
- 16.28 To ensure that children in need and their families are engaged in shaping priorities and delivery of children's services.
- 16.29 To act as Lead Officer for specific health/social care integration projects;
- 16.30 To be a CPG member,
- 16.31 To act as Lead Officer for regional social care and health/social care collaboration projects.

17 To the Corporate Director – Learning and Communities

- 17.1 To act as the Statutory Director of Education appointed under s.532 of the Education Act 1996 or any re-enactment of that provision.
- 17.2 The strategic and operational management responsibility for Education services is delegated to the Corporate Director (Learning and Communities) as the Statutory Director.
- 17.3 As Statutory Director to maintain an overview of the full range of education services within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority's education functions.
- 17.4 As Statutory Director to report to the Cabinet, Lead Members and Scrutiny and other relevant Committees in relation to the planning, delivery and performance of the Councils Education functions and be accountable for the oversight and co-ordination of such functions.

- 17.5 To be responsible for the reporting and communicating directly with the Welsh Government and (Estyn) on education matters and the development and maintenance of productive relationships with other related sectors and agencies.
- 17.6 To act as an Authorised Officer under the Regulation of Investigatory Powers Act 2000.
- 17.7 To keep the Statutory Director of Social Services apprised of key corporate decisions/actions which will impact or have possible implications for their Statutory Officer role.
- 17.8 Jointly with the Head of School Improvement and Inclusion, to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 17.9 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 17.10 To act as the Statutory Lead Director for Children and Young People's Services under s.27 of the Children Act 2004.
- As Statutory Lead Director for Children and Young People to maintain an overview of the full range of children and young peoples' services and activities within the Authority and as the Officer responsible for the quality of services provided to fulfil the authority function including the following core responsibilities
 - **Ensuring effective cross sector partnership arrangements to improve the wellbeing of children and young people.**
 - As an LSB Member.
 - Ensuring planning for children, young people and their families is seen as a corporate and cross sector activity embedded in the achievement of agreed corporate and public sector priorities.
 - Ensuring planning is increasingly harmonized across North Wales, in conjunction with other Lead Directors.
 - **Production and publication of children and young people's plan.**
 - Ensuring Denbighshire's Big Plan meets statutory requirements relating to children and young people's planning.

- **Clear governance arrangements for partnership planning, a focus on outcome measures and regular performance management.**
 - Ensuring effective mechanisms are in place to deliver jointly agreed outcomes for children and young people.
 - Leading the inspection processes relating to Children and Young Peoples' Partnership activity.
- **Attention to implementation of the UN Convention on the Rights of the Child**
 - Championing children's rights across the Council, including the right of children and young people to have their voices heard.
 - Ensuring that the participation of children and young people is embedded in formal and informal education settings.

17.11 Jointly with the Head of Finance and Assets, to suspend the right of the governing body to have a delegated budget in circumstances permitted by the legislation.

18. To the Head of Modernising Education

- 18.1 In consultation with the Head of School Improvement and Inclusion, to monitor and evaluate the performance of schools.
- 18.2 To deal with nominations for Local Education Authority governors, making an appointment in instances where a single suitable nomination is received for any vacancy or otherwise reporting to the Cabinet (or Lead Member as appropriate) for determination and appointment.
- 18.3 To establish temporary governing bodies.
- 18.4 To make necessary arrangements for the election of parent governors, teacher and staff governors and to determine any questions arising from the election process.
- 18.5 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 18.6 To manage governor training.
- 18.7 To act on behalf of the Local Education Authority in any consultations initiated by the governors of any school, in relation to the times of school sessions and, if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.

- 18.8 To determine and deal with all arrangements for the admission of pupils to community and voluntary controlled schools in accordance with the Council's policy, including authority to:-
- publicise information for parents of admission arrangements.
 - comply with parental preferences, with certain exceptions.
 - determine allocations of pupils to community and voluntary controlled primary and secondary schools, subject to the parental right of appeal.
- 18.9 To make arrangements to enable parents to appeal against decisions regarding admissions.
- 18.10 To appear or make written representations on behalf of the Authority in any appeal against a refusal to admit.
- 18.11 To respond to changes in pupil numbers by making appropriate accommodation available.
- 18.12 Subject to such determination being in accordance with an approved plan or policy, to determine whether to publish any statutory notices (other than in respect of closure of schools) and to take action on advertised proposals in light of any representations received and also to determine the Authority's decision in respect of school organisational proposals and school closure proposals in respect of which either there has been no objections or any objections received have been resolved.
- 18.13 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 18.14 To determine applications and provide, where applicable, milk, meals and refreshments in accordance with the Council's policy.
- 18.15 To act on behalf of the LEA in any consultations initiated by the governors of any school, in relation to the times of school sessions, and if he/she considered it appropriate to do so, to require the governors to include his/her written comments on the proposals in the next governors' report to be prepared by the governors.
- 18.16 To appoint sufficient education practitioners and governors in accordance with the arrangements who may be called upon to be required to serve as members on future independent Appeal Panels.

- 18.17 To investigate complaints made under section 409 of the Education Act 1996
- 18.18 To determine any matters relating to the Councils policy regarding charges and remissions and to authorise the recovery of any sums owed to the Council.
- 18.19 To approve the acceptance of gifts on trust for education purposes.
- 18.20 To determine, where necessary in consultation with the trustee, applications received for financial support from charitable trust funds where the Authority is either itself trustee, or where the fund is administered on behalf of trustees.
- 18.21 To respond to changes in pupil numbers by making appropriate accommodation available.
- 18.22 To direct the use of school premises in the County and voluntary schools for community use outside school hours.

19. To the Head of School Improvement and Inclusion

- 19.1 In consultation with the Head of Modernising Education, to monitor and evaluate the provision and performance of schools.
- 19.2 To monitor the curriculum in all maintained schools and report on it as necessary.
- 19.3 To set by agreement with schools, targets for pupil attainment.
- 19.4 To prepare a written statement of action to be taken in light of the report following an inspection of a maintained school.
- 19.5 To intervene to prevent the breakdown or continuing breakdown of discipline at a school, or where there is concern about standards of management.
- 19.6 To ensure that the performance management of teachers and headteachers is carried out according to Welsh Government directions and regulations and to monitor and evaluate the provision and performance of schools.
- 19.7 To investigate complaints made under Section 409 of the Education Act 1996.
- 19.8 To make or approve arrangements for the provision of work experience for pupils in their last year of schooling.
- 19.9 To manage and operate the Education Psychology Service.
- 19.10 To arrange appeals against exclusions and redirect excluded pupils.

- 19.11 To make arrangements to encourage and assist pupils to take advantage of the provisions for medical and dental inspections and treatment made for them.
- 19.12 To ensure cleanliness of pupils and to serve a notice on parents requiring cleanliness where appropriate.
- 19.13 To manage all aspects of schools without delegated budgets.
- 19.14 To inspect and maintain schools for the purposes of a Local Education Authority function.
- 19.15 To authorise persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance.
- 19.16 To authorise Officers to appear on behalf of the Local Education Authority in proceedings being conducted in the Magistrates Court by Section 547 of the Education Act 1996 or any re-enactment of that provision.
- 19.17 To consider any resolutions sent to him/her from an annual parents meeting and to respond accordingly.
- 19.18 To deal with the staffing matters of community voluntary controlled and community special schools where the decision is that of the LA (rather than the governing body).
- 19.19 To determine the school term and holiday dates including in service training days for any community, community special or voluntary controlled schools.
- 19.20 To exercise powers under the Education Acts in accordance with the Code of Practice, to identify, assess and arrange provision for pupils special educational needs, including the admission of pupils to out of county schools (including non maintained special schools and independent schools providing for pupils with special education needs) and transport where appropriate, in accordance with the Council's Transport Policies.
- 19.21 To provide aids for use by pupils with special needs
- 19.22 To authorise officers to represent the Education Authority in tribunal proceedings dealing with special educational needs.
- 19.23 To make arrangements for the provision of suitable education otherwise than in school, in accordance with Section 319 of the Education Act 1996.

- 19.24 To make arrangements for the provision of suitable education at school or otherwise for children of compulsory school age who, by reason of illness, exclusion from school or otherwise, may not receive it unless such arrangements were made.
- 19.25 To recoup the costs of providing education for persons not belonging to the Council's own area.
- 19.26 To exercise the powers of the Education Authority, with the exception of initiating legal proceedings, under the Education Act 1996 and the Children Act 1989 in respect of school attendance orders, non school attendance and education supervision orders.
- 19.27 To ensure the provision of statutory youth services jointly with the Head of Leisure, Libraries and Community Development.
- 19.28 Jointly with the Statutory Director of Education to grant and revoke licences to children of compulsory school age regarding child performances in accordance with the Children and Young Persons Act 1963 and the Children's (Performance) Regulations 1968 and any statutory modification thereof.
- 19.29 To supervise, prohibit and/or restrict the employment of children of compulsory school age pursuant to the Education Act 1996.
- 19.30 To manage the provision of the youth support services in pursuance of the Learning and Skills Act 2000 in consultation with the Head of Leisure, Libraries and Community Development
- 19.31 To exercise those functions of the Council which relate to Children and Young People under the Crime and Disorder Act 1998 (as amended or re-enacted).
- 19.32 To give directions to admit a child to a specified school.
- 19.33 To undertake any inspections, interviews, investigations, seizures, services of notices, notifications, authorisations, registrations and legal proceedings as are within the purview of the department under the Education Reform Act 1988, together with any regulations made thereunder, any amendments or additions thereto and to exercise all relevant powers of entry if provided.
- 19.34 To exercise powers under the Education Act 2002 s.29(5) in respect of health and safety directions to governing bodies where the local authority is the employer.
- 19.35 To act as the Deputy Statutory Officer for Education in the absence of, or inability to act, by the Statutory Director of Education.

- 19.36 To ensure all relevant Officers (and volunteers if relevant) are subject to the provisions (including any vetting and barring procedures) of the Safeguarding Vulnerable Groups Act 2006 and any subsequent amendment or regulations made under it.
- 19.37 To keep under review (and ensure relevant staff awareness) any safeguarding practices and procedures including registration (if required) with any Safeguarding Authorities and reporting matters on safeguarding to the Statutory Lead Director for Children and Young People and/or the Statutory Director of Social Services, where appropriate.
- 19.38 To maintain a Standing Advisory Council on Religious Education (SACRE) in accordance with the Councils Constitution.
- 19.39 To review and make Instruments of Government for maintained schools within the County where there is no disagreement with the draft Instrument.
- 19.40 To authorize persons at educational establishments to exercise the power of removal of persons from school premises who are causing a nuisance or disturbance
- 19.41 To determine questions as to who are to be considered parents of registered pupils.

20 To the Corporate Director – Business Transformation and Regeneration

- 20.1 To act as an Authorising Officer under the Regulation of Investigatory Powers Act 2000.
- 20.2 To make decisions, including exemptions, under the Contract Procedure Rules 10.2, 25.3, 25.4, 31.1 and 31.4 in relation to contracts where the Council acts as agent for the National Assembly for Wales in respect of trunk roads.
- 20.3 Subject to the establishment of criteria for allocation of such sums and to consultation with local members and the Head of Housing Services, to allocate to appropriate schemes to supplement the Social Housing Grant commuted sums from a s.106 Planning Agreement relating to affordable housing.
- 20.4 Subject to the establishment of criteria for allocation of such sums and to consultation with the local members and the Head of Leisure, Libraries and Community Development, agreeing the use of such sums from s.106 Planning Agreements in respect of open space and play facilities.

21 To the Head of Democratic Services

To be appointed.

22 To the Head of Business Planning and Performance

- 22.1 To act as an Authorised Officer under the Regulation of Investigatory Powers Act 2000
- 22.2 Ensuring underpinning work to enable production and delivery of effective children and young people's plan is carried out – including ongoing needs assessment, consultation, commissioning.
- 22.3 Ensuring statutory requirements and timescales for children and young people's planning are met
- 22.4 Ensuring effective management and administration of relevant funding streams.
- 22.5 Ensuring outcomes based performance management framework in place for Big Plan and children and young people elements to ensure the impact of partnership is measured.
- 22.6 Ensuring annual completion of National Service Framework Self Assessment Audit Tool.
- 22.7 Preparation for inspection.
- 22.8 Ensuring effective reporting to LSB and appropriate Scrutiny Committee(s) on agreed joint programmes and projects.
- 22.9 Ensuring the voice of children and young people is embedded in the preparation and implementation of the Big Plan and in monitoring impact.
- 22.10 Ensuring corporate engagement and consultation strategies include listening to children and young people.
- 22.11 Ensuring Equality Impact assessments are carried out.